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FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3738/Examiner Bruce Snow

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 09/553,573
Gary K. Michelson, M.D.

Filed: April 19, 2000

ARTIFICIAL HEMI-LUMBAR NON-ARCUATE
INTERBODY SPINAL IMPLANT HAVING AN
ASYMMETRICAL LEADING END AND
METHOD FOR INSTALLATION THEREOF (as
amended)

Attorney Docket No. 101.0077-00000

Customer No. 22882

Confirmation No.: 3776

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 6

Date: November 30, 2004

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$110 one-month extension fee to be charged to Deposit Account No. 50-1066) and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on November 30, 2004.



Sandra L. Blackmon

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FORM PTO-1083

PATENT
 Attorney Docket No.: 101.0077-00000
 Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 09/553,573

Filed: April 19, 2000

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 (as amended)

Confirmation No.: 3776

Art Unit: 3738

Examiner: B. Snow

Mail Stop AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Restriction Requirement of October 25, 2004 in the above-identified application.

☐ No additional fee is required.☒ Applicant hereby requests a one-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	114	-	114	0	LG=\$18 SM=\$9	\$18 \$ -0-
INDEPENDENT CLAIMS FEE	3	-	3	0	LG=\$88 SM=\$44	\$88 \$ -0-
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$300 SMALL ENTITY FEE = \$150	\$ -0-
TOTAL						\$ -0-

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

☒ A one-month extension fee in the amount of \$110.00 is to be charged to Deposit Account No. 50-1066.☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
 MARTIN & FERRARO, LLP

Date: November 30, 2004

By: 

Thomas H. Martin
 Registration No. 34,383

1557 Lake O'Pines Street, NE
 Hartsville, Ohio 44632
 Telephone: 330-877-0700
 Facsimile: 330-877-2030

FORM PTO-1083

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Sir:

AMENDMENT

In reply to the Restriction Requirement dated October 25, 2004, the period for reply having been extended for one month by a request for extension and fee payment filed concurrently herewith, Applicant provisionally elects to prosecute claims 1, 2, 4-34, 36-42, and 101-174 drawn to Species 1, Fig. 9A. In addition, please amend the application as follows:

Amendments to the Title begin on page 2 of this paper.

Remarks begin on page 3 of this paper.

Amendment 11-30-04